

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.24035 OF 2003

Between:

Kasthuri Viswanadha Naidu
And others.

.... PETITIONERS

AND

The Superintendent of Police,
Chittoor, Chittoor District,
And others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.24035 OF 2003

ORDER

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Questioning the action of the respondents in opening a rowdy sheet against them, the petitioners filed this writ petition.

2. On behalf of the respondents, the Sub-Inspector of Police, Tiruchanur Police Station, Chittoor District (3rd respondent) filed his counter-affidavit alleging that inasmuch as a case in Crime No.18 of 2003 under Sections 147, 148, 447, 3407, 332 read with 149 IPC and Section 25(1)(B) of Arms Act was registered against the petitioners on 28.02.2003 rowdy sheets are opened against them as per the directions of the second respondent,.

3. After filing of the counter-affidavit of the third respondent on behalf of respondents, a learned Judge of this Court by his order dated 23.12.2003 in WPMP No.30227 of 2003 suspended the impugned proceedings on the ground that this Court in a catena of decisions held that solitary criminal case registered against a person cannot be construed as that person being a habitual offender and as this Court in **SUNKARA SATYANARAYANA V/s. STATE OF ANDHRA PRADESH**^[1] disapproved opening of rowdy sheets, in exercise of powers under the A.P. Police Standing Orders, against any person on the ground that he is involved in one criminal case. The said interim

order is still in force.

4. During the course of arguments, the learned counsel for the petitioners stated that the criminal case registered against the petitioners ended in acquittal on 15.04.2004, and so, there are no criminal cases pending against the petitioners, and hence, the proceedings impugned are liable to be quashed.

5. Learned Assistant Government Pleader contends that since the petitioners are habitual offenders, the decision of the second respondent to open a rowdy sheet against the petitioners cannot be said to be improper.

6. As held in **SUNKARA SATYANARAYANA's** (1 supra), opening of a rowdy sheet when a person is involved in one criminal case is improper. Admittedly there was only one criminal case against the petitioners. That criminal case against the petitioners ended in acquittal. In view thereof there is no scope for the petitioners being termed as habitual offenders, when not even a single criminal case is pending against them.

7. Therefore, the writ petition is allowed and the proceedings impugned are quashed. Parties are directed to bear their own costs.

JUSTICE C.Y.SOMAYAJULU

27th SEPTEMBER, 2007

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**THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU**

W.P.NO.24035 OF 2003

27th SEPTEMBER, 2007

[\[1\]](#) 2000(1) ALD(Crl.) 117 (AP)